

FILED

9/12/2019

Clerk, U.S. District Court  
District of Montana  
Helena Division

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA

HELENA DIVISION

PACIFIC NORTHWEST SOLAR,  
LLC,

Plaintiff,

vs.

NORTHWESTERN CORPORATION,  
A DELAWARE CORPORATION  
DBA NORTHWESTERN ENERGY,

Defendant.

No. CV-16-114-H-SEH

**ORDER**

The Court conducted a hearing on September 11, 2019, to address issues presented by Plaintiff's Motion in Limine Re: NWE's State of Mind<sup>1</sup> and to consider and determine admissibility at trial of evidence "regarding NWE's state-of-mind, motive, and/or subjective belief regarding its ability to perform under the PPAs."<sup>2</sup> Defendant proffered witness testimony of John Alke.

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<sup>1</sup> Doc. 241.


<sup>2</sup> Doc. 241 at 1.

ORDERED:

1. Each party may on or before 4:45 p.m. on September 20, 2019, file a brief stating its position as to which components of Mr. Alke's testimony are appropriate for consideration by the Court in addressing Plaintiff's Motion in Limine Re: NWE's State of Mind<sup>3</sup> and which components should be ruled to be inadmissible at trial.

2. Upon receipt of the briefs, the Court will further consider issues related to admissibility at trial of Mr. Alke's proffered testimony.

DATED this 12<sup>th</sup> day of September, 2019.

  
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SAM E. HADDON  
United States District Judge

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<sup>3</sup> Doc. 241.